

REMARKS

This Amendment is responsive to the official action dated August 17, 2006, finally rejecting claims 1-3, 5-8, 10-13 and 15. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-3, 5-8, 10-13 and 15 were pending in the application. In the official action, claims 1-3, 5-8, 10-13 and 15 were rejected. In this Amendment, claims 1, 6 and 11 have been amended. Claims 1-3, 5-8, 10-13 and 15 thus remain for consideration.

Applicants submit that the application is now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

\$103 Rejections

Claims 1-3, 5-8, 10-13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over "Robust Audio Watermarking Using Perceptual Masking" by Swanson et al (Swanson), in view of U.S. Patent 6,591,365 (Cookson) and U.S. Patent 6,493,457 to Quackenbush et al. (Quackenbush).

Applicants respectfully submit that the independent claims (claims 1, 6 and 11) are patentable over Swanson, Cookson and Quackenbush.

Applicants' invention as recited in the independent claims is directed toward a device and method for superimposing digital watermarking information on an audio signal, and a storage medium for storing a program code to implement the

method. Each of the claims recites: "superimposing on said audio signal first digital watermarking information and second digital watermarking information to create a marked audio signal, said first digital watermarking information and said second digital watermarking information being based on [] psychological auditory sense encoded information and on at least one range of amplitudes within which a frequency representation of said audio signal is sampled during compression processing such that said first digital watermarking information is sampled during compression processing and said second digital watermarking information is not sampled during compression processing. The watermarking information is characterized in that, "upon compression of said marked signal to create a compressed signal, said first digital watermarking information can be completely or substantially recovered from said compressed signal and said second digital watermarking information cannot be completely or substantially recovered from said compressed signal." The psychological auditory sense encoded information "is indicative of the respective frequency bands of said audio signal on which said first and second digital watermarking information are to be superimposed, and the respective levels to which the first and second digital watermarking information should be set prior to superimposition."

The Examiner is referred to the specification at page 12, line 5 through page 13, line 14; and Figs. 7 and 8 for illustrative supporting disclosure concerning the recitation of "said first digital watermarking information [being] sampled during compression processing and said second digital watermarking information [not being] sampled during compression processing."

Neither Swanson, Cookson nor Quackenbush discloses that the first digital watermarking information is sampled during compression processing and the second digital

watermarking information is not sampled during compression processing. Accordingly, Applicants believe that claims 1, 6 and 11 are patentable over Swanson, Cookson and Quackenbush - taken either alone or in combination - on at least this basis.

Furthermore, Applicants note that claims 2, 3, 5, 7, 8, 10, 12, 13 and 15 depend respectively on independent claims 1, 6 and 11. Since dependent claims inherit the limitations of their respective base claims, claims 2, 3, 5, 7, 8, 10, 12, 13 and 15 are patentable over the cited references for at least the same reasons discussed in connection with claims 1, 6 and 11.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By


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